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7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN TX 78731

MAILED

FEB 25 2010

OFFICE OF PETITIONS

In re Application of :
Lagmanson et al. :
Application Number: 10/827104 : ON PETITION
Filing Date: 04/19/2004 :
Attorney Docket Number: 121- :
0003 :

This is a decision in reference to the "AMENDMENT, PETITION AND FEE TO CORRECT INVENTORSHIP (37 C.F.R. § 1.48(a)) including PETITION UNDER 37 C.F.R. § 1.47(A) submitted AFTER ALLOWANCE (37 C.F.R. § 1.312)," filed on November 12, 2009, which are treated as (a) a petition under 37 CFR 1.48(a)(1) requesting persons be added as named inventors, and (b) a petition under 37 CFR 1.183 requesting waiver of 37 CFR 1.64 which requires that the named inventors execute a supplemental declaration.

The petition is **GRANTED**.

On April 19, 2004, the above-identified application was filed. On September 28, 2004, a declaration was filed naming Justin L. Fort and Charles P. Fort as joint inventors.

On November 12, 2009, the subject petition was filed. Petitioners request that Mats Lagmanson, Liz Lagmanson, Markus Lagmanson, and Bo Berglund be added as named inventors under 37 CFR 1.48(a). Further, petitioners request waiver under 37 CFR 1.183 of 1.64 in that the two named inventors, Justin L. Fort and Charles P. Fort, refuse to execute the supplemental declaration naming them as joint inventors along with the persons sought to be added as inventors.

Petition Under 37 CFR 1.48(a).

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from each person being added and each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(i), and

(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

Petitioners have provided statements of lack of deceptive intent signed by each of the persons sought to be added as an inventor, as well as an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. Written consent of the assignee has also been provided, along with processing fee set forth in 37 CFR 1.17(i).

As such, the petition under 37 CFR 1.48 is granted. The named inventive entity is amended by the addition of Mats Lagmanson, Liz Lagmanson, Markus Lagmanson, and Bo Berglund as named inventors.

Petition Under 37 CFR 1.183 to waive 1.64.

Petitioners assert that inventors Justin L. Fort and Charles P. Fort have refused to sign the declaration naming them and Mats Lagmanson, Liz Lagmanson, Markus Lagmanson, and Bo Berglund as joint inventors.

There is no requirement for a showing under 37 CFR 1.47 with regard to joint inventor Justin L. Fort and Charles P. Fort. As noted above, this application bears an original Declaration executed by joint inventors Justin L. Fort and Charles P. Fort, and thus, the provisions of 37 CFR 1.47 do not apply with regard to their signatures. Nevertheless, it is appropriate to apply the principles thereof to the situation at hand.

In view of the efforts recounted in the petition to obtain the signature of Justin L. Fort and Charles P. Fort, it is agreed that justice would be served by waiving the requirement for their signatures on the supplemental declaration filed on November 12, 2009.

The inventorship will be as stated in the attached corrected filing receipt.

The fee for a petition under 37 CFR 1.183 is \$400.00. The balance due of \$200.00 will be charged to counsel's deposit account as authorized in the subject petition.

The application is referred to Technology Center Art Unit 2863 for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/827,104	04/19/2004	2863	1447	121-0003	18	5

CONFIRMATION NO. 1477

CORRECTED FILING RECEIPT



0000000040252381

22120
ZAGORIN O'BRIEN GRAHAM LLP
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TX 78731

Date Mailed: 02/25/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Mats Lagmanson, Austin, TX;
Liz Lagmanson, Austin, TX;
Markus Lagmanson, Austin, TX;
Bo Berglund, Jarfalla, SWEDEN;
Charles P. Fort, Round Rock, TX;
Justin L. Fort, Round Rock, TX;

Power of Attorney: The patent practitioners associated with Customer Number 22120

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/463,499 04/18/2003

Foreign Applications

If Required, Foreign Filing License Granted: 06/28/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/827,104**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

TECHNIQUES FOR SURFACE EXPLORATION AND MONITORING

Preliminary Class

702

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

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